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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/771,613
Filing Date	February 4, 2004
First Named Inventor	Stager et al.
Art Unit	2114
Examiner Name	LE, DIEU-MINH T
Attorney Docket Number	NET-P01-2286.01

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Form PTO-1449 and Forty-four References Cited.</b>
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	VOLPE AND KOENIG, P.C.		
Signature	<i>Harry Vartanian</i>		
Printed name	Harry Vartanian		
Date	July 25, 2006	Reg. No.	56,787

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Harry Vartanian</i>		
Typed or printed name	Harry Vartanian	Date	July 25, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Stager et al.

**Application No.:** 10/771,613

**Confirmation No.:** 3439

**Filed:** February 4, 2006

**For:** METHOD AND SYSTEM FOR STORING  
DATA USING A CONTINUOUS DATA  
PROTECTION SYSTEM

**Group:** 2113

**Examiner:** Beausoleil Jr., Robert W.

**Our File:** NET-P01-2286.01

**Date:** July 25, 2006

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

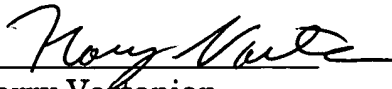
Further to Applicants' Duty of Disclosure pursuant to 37 C.F.R. §1.56,  
Applicants wish to bring to the Examiner's attention the material cited on the enclosed  
PTO-1449 form. Copies of the cited documents are enclosed.

**Applicant: Stager et al.**  
**Application No.: 10/771,613**

It is respectfully requested that the Examiner consider these documents and return an initialed copy of the PTO-1449 form indicating his consideration of the cited materials.

Respectfully submitted,

Stager et al.

By   
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HV/akg  
Enclosures ( 45 )



FORM PTO-1449  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)		ATTY. DOCKET NO. NET-P01-2286.01	SERIAL NO. 10/77,613
		APPLICANT Stager et al.	
		FILING DATE February 4, 2004	GROUP 2113
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
		"Alacritus Software's Securitus I: Pointing the Way to Virtual Tape Libraries" Aberdeen Group, Inc., March 2002.	
		"Continuous Data Protection: Business Continuity for the Era of Networked Storage: An Executive White Paper" Aberdeen Group, Inc., July 2003.	
		"Alacritus Software's Chronospan: Make Time for Continuous Data Protection" Aberdeen Group, Inc., October 2003.	
		Hill, David "Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries" Aberdeen Group, Inc., July 2003.	
		"Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries" Aberdeen Group, Inc., July 2003.	
		"Product Brief: Rhapsody/Alacritus-Secritus/XPath Virtual Tape in the Fabric" The Enterprise Storage Group, August 2002.	
		"Alacritus Software Announces Securitus I, The Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., June 25, 2001.	
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library Appliance: Industry's First Virtual Tape Library Appliance to Replace Storage Tape Libraries" Alacritus Software, Inc., June 25, 2001.	
		"Hitachi CP, Nissho, and Alacritus Software Bring Virtual Tape Library Appliance Solution to Market: Three Companies Join to Deliver VTLA Smart Guard – A Disk Subsystem Product that Functions as a Virtual Storage Tape Library" Alacritus Software, Inc., October 3, 2001.	
		Trimmer, Don, "Tape Free Backup/Recovery: Requirements and Advantages: Virtualization Technology Will Encompass Many Applications, One of the Most Significant Possibly Being Backup/Recovery" InfoStor, March 2002.	
		"Alacritus Software Announces Virtual Tape Library Support for Legato NetWorker Data Protection Solution" Alacritus Software, Inc., January 8, 2002.	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Camphuisen, Alicia, "Hitachi Inks OEM Deal with Legato" Knapp Comm., July 17, 2002.	
		"Alacritus Announces Disk-Based Successor to Tape" Knapp Comm., August 21, 2002.	
		Biggar, Heidi, "Alacritus Enables Disk-Based Backup" InfoStor, September 2001.	
		"Securitus I White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Software, Inc., July 2001.	
		"Alacritus Software FAQs" Alacritus Software, Inc., July 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., July 2001.	
		"Virtual Tape Library Technology Brochure" Alacritus Software, Inc., July 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., September 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., September 2002.	
		Payack, Paul JJ, "Alacritus Lines Up OEM Partners for Virtual Tape Library Push" The (451) Storage & Systems, October 4, 2002.	
		Payack, Paul JJ, "Alacritus Software Announces Continuous Data Protection with New Chronospan Technology" October 28, 2003.	
		Payack, Paul JJ, "Alacritus Software Announces New Customers for Securitus VTLA" Alacritus Software, January 13, 2004.	
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		Baltazar, Henry "Weaving Apps Into SAN Fabric" eWEEK, March 24, 2003.	
		Baltazar, Henry "More Intelligence is on the Way" eWEEK, September 15, 2003.	
		Barrett, Alex "The Case for Network Smarts" Storage Magazine, June 2003.	
		"Securitus White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Website, October 2003.	
		"Manageability: Securitus v. Tape" Alacritus Website, October 2003.	
		"The SNIA Data Management Forum Created to Tackle Data Protection and Information Lifecycle Management Issues: Enhanced Backup Solutions Initiative Rolls Efforts into New SNIA Forum" Storage Networking Industry Association, October 13, 2003.	
		"No Changes Required: Securitus v. Tape" Alacritus Website, October 2003.	
		"Customer Success" Alacritus Website, October 2003.	
		"Chronospan" Alacritus Website, October 2003.	
		"Alacritus Software Announces Securitus I, the Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., April 9, 2002.	
		Biggar, Heidi, "Disk and Tape Forge New Partnership in Backup Arena" InfoStor, November 2001.	
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		Preston, W. Curtis, "Surprise! Cheap Disks Cure Slow Backup" Storage Magazine, June 1, 2002.	
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library" internetnews.com, June 25, 2001.	
		"Alacritus Software and Rhapsody Networks to Develop Breakthrough Backup Solutions for Storage Networks: Companies to Provide First Network-Intelligent Virtual Tape Solution Resulting in Dramatic ROI, Increases in Data Backup Performance and Scalability" Alacritus Software, July 8, 2002.	
		Komiega, Kevin, "Vendor Pushes Disk Backup Over Tape" SearchStorage.com January 10, 2003.	
		"Testimonials" Alacritus Website, October 2003.	
		"Seamless Integration" Alacritus Website, October 2003.	
		"Topologies" Alacritus Website, October 7, 2003.	
		"Securitus" Alacritus Website, October 2003.	
		"Scalability: Securitus v. Tape" Alacritus Website, October 2003.	
		"Strengths: Securitus v. Tape " Alacritus Website, October 2003.	

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